

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

MARVIN SEWELL,

Plaintiff,

VS.

SHELBY COUNTY, et al.,

Defendants.

No. 05-2124-B/An

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL  
ORDER DIRECTING CLERK TO MAIL DISMISSAL ORDER TO PLAINTIFF  
AND  
ORDER DIRECTING CLERK TO ENTER JUDGMENT

Plaintiff Marvin Sewell, booking number 06114493, an inmate at the Shelby County Criminal Justice Complex ("Jail")<sup>1</sup> in Memphis, Tennessee, filed a pro se complaint pursuant to 42 U.S.C. § 1983 on February 14, 2005 in connection with his previous confinement at the Jail, where his booking number was 04132842. On April 1, 2005, Plaintiff notified the Clerk that he had been moved to the Shelby County Correctional Center ("SCCC") but, due to an error by the Clerk, Plaintiff's new inmate number was not recorded. The Court issued an order on May 9, 2005 that, inter alia, dismissed the complaint without prejudice, pursuant to 42 U.S.C. § 1997e(a) and certified that an appeal would not be taken in good

<sup>1</sup> The word "prison" is used in this order to refer to all places of confinement or incarceration, including jails, penal farms, detention and classification facilities, or halfway houses.

faith. Due to an error by the Clerk, no judgment was entered. Plaintiff's copy of the dismissal order was returned by the post office on June 6, 2005 with a notation that it contained an incorrect record identification number, but the Clerk neglected to correct the docket and mail a copy of the dismissal order to Plaintiff at his address of record.

On July 11, 2006, Plaintiff filed a notice of change of address, a request for the status of his case, and a motion for appointment of counsel. As the case has been dismissed, the motion for appointment of counsel is DENIED.

The Clerk is directed, forthwith, to enter a judgment and to mail Plaintiff a copy of the May 9, 2005 dismissal order.

IT IS SO ORDERED this 4<sup>th</sup> day of January, 2007.

s/J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE